

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANGOSS SOFTWARE CORP.,)
)

Plaintiff(s),) No. C-05-3221-DL
)
)

v .)
)
)

SIEBEL SYSTEMS, INC.,)
and related case
)
)

Defendant(s).)
_____))

EE SYSTEMS, INC.,) NO. C-05-3223 BZ
Plaintiff(s)) ORDER SCHEDULING

v.)) COURT TRIAL AND
)) PRETRIAL MATTERS

SS SOFTWARE CORP.,)
)
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Defendant(s).)
_____))

Following the Status Management Conference

RED that:

DATES

Trial Date: Monday, April 24, 2006, 8:30 a.m.

Pretrial Conference: Tuesday, April 11, 2006, 4:00 p.m.

Close of all Discovery: Friday, March 31, 2006

1 2. SETTLEMENT

2 This case has been referred for assignment to a
3 Magistrate Judge to conduct a settlement conference. Counsel
4 will be contacted by that judge's chambers with a date and
5 time for the conference.

6 3. PRETRIAL CONFERENCE

7 Not less than twenty five days prior to the date of the
8 pretrial conference, the parties shall meet and take all
9 steps necessary to fulfill the requirements of this Order.

10 Not less than twenty days prior to the pretrial
11 conference, the parties shall: (1) serve and file a joint
12 pretrial statement, containing the information listed in
13 **Attachment 1**, and a proposed pretrial order; (2) serve and
14 file Daubert motions, proposed findings of fact and
15 conclusions of law, and statements designating excerpts from
16 discovery that will be offered at trial (specifying the
17 witness and page and line references); (3) exchange exhibits,
18 agree on and number a joint set of exhibits and number
19 separately those exhibits to which the parties cannot agree;
20 (4) deliver all marked trial exhibits directly to the
21 courtroom clerk, Ms. Scott; (5) deliver one extra set of all
22 marked exhibits directly to Chambers; and (6) submit all
23 exhibits in three-ring binders. Each exhibit shall be
24 marked with an exhibit label as contained in **Attachment 2**.

25 No party shall be permitted to call any witness or offer
26 any exhibit in its case in chief that is not disclosed at
27 pretrial, without leave of Court and for good cause.

28 Lead trial counsel for each party shall meet and confer

1 in an effort to resolve all disputes regarding anticipated
2 testimony, witnesses and exhibits. All Daubert motions and
3 objections will be heard at the pretrial conference. Not
4 less than ten days prior to the pretrial conference, the
5 parties shall serve and file any objections to witnesses or
6 exhibits or to the qualifications of an expert witness.
7 Oppositions to Daubert motions shall be filed and served not
8 less than ten days prior to the conference. There shall be
9 no replies.

10 All motions and proposed findings of fact and
11 conclusions of law, shall be accompanied by a floppy diskette
12 containing a copy of the document formatted in WordPerfect
13 6.1, 8, 9 or 10 (Windows) or may be e-mailed in WordPerfect
14 format to the following address: bzpo@cand.uscourts.gov

15 At the time of filing the original with the Clerk's
16 Office, two copies of all documents (but only one copy of the
17 exhibits) shall be delivered directly to Chambers (Room 15-
18 6688). Chambers' copies of all pretrial documents shall be
19 three-hole punched at the side, suitable for insertion into
20 standard, three-ring binders.

21 Dated: March 7, 2006

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24 Bernard Zimmerman
United States Magistrate Judge
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ATTACHMENT 1

The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

- (A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.
 - (B) Relief Prayed. A detailed statement of each party's position on the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

(2) The Factual Basis of the Action.

- (A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.
 - (B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.
 - (C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.
 - (D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(3) Trial Preparation.

A brief description of the efforts the parties have made to resolve disputes over anticipated testimony, exhibits and witnesses.

- (A) Witnesses to be Called. In lieu of FRCP 26(a)(3)(A), a list of all witnesses likely to be called at trial, other than solely for impeachment or rebuttal, together with a brief statement following each name describing the substance of the testimony to be given.
 - (B) Estimate of Trial Time. An estimate of the number of court days needed for the presentation of each party's case, indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.
 - (C) Use of Discovery Responses. In lieu of FRCP 26(a)(3)(B), cite possible presentation at trial of evidence, other than solely for impeachment or rebuttal, through use of excerpts from depositions, from interrogatory answers, or from responses to requests for admission. Counsel shall state any objections to use of these materials and that counsel has conferred respecting such objections.
 - (D) Further Discovery or Motions. A statement of all remaining motions, including motions in limine.

(4) Trial Alternatives and Options.

- (A) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.
 - (C) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.
 - (D) Bifurcation, Separate Trial of

1 Issues. A statement of whether
2 bifurcation or a separate trial
of specific issues is feasible
and desired.

3 **(5) Miscellaneous.**

4 Any other subjects relevant to the trial of the action,
5 or material to its just, speedy and inexpensive determination.

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ATTACHMENT 2

USDC
Case No. CV05-05224 BZ
JOINT Exhibit No. _____
Date Entered

USDC
Case No. CV05-05224 BZ
JOINT Exhibit No. _____
Date Entered

Signature _____

Signature _____

USDC
Case No. CV05-05224 BZ
JOINT Exhibit No. _____
Date Entered

USDC
Case No. CV05-05224 BZ
JOINT Exhibit No. _____
Date Entered

Signature _____

Signature _____

USDC
Case No. CV05-05224 BZ
PLNTF Exhibit No. _____
Date Entered

USDC
Case No. CV05-05224 BZ
PLNTF Exhibit No. _____
Date Entered

Signature _____

Signature _____

USDC
Case No. CV05-05224 BZ
PLNTF Exhibit No. _____
Date Entered

USDC
Case No. CV05-05224 BZ
PLNTF Exhibit No. _____
Date Entered

Signature _____

Signature _____

USDC
Case No. CV05-05224 BZ
DEFT Exhibit No. _____
Date Entered

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DEFT Exhibit No. _____
Date Entered _____

Signature

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DEFT Exhibit No. _____
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Date Entered _____

Signature _____

Signature _____